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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,843	02/15/2001	John T. Hurst	30788-00016	3829

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EXAMINER

BLAIR, DOUGLAS B

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,843

Applicant(s)

HURST ET AL.

Examiner

Douglas B Blair

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the distinct methods of delivering and receiving the content must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,289,389 to Kikinis in view of RFC 1321 by Rivest.

4. As to claim 1, Kikinis teaches a method for use in delivering programming content, said method comprising: dividing the programming content into smaller chunks of data (col. 8, lines 31-45); creating a chunk file for each chunk of data, said chunk file including said chunk of data (col. 8, lines 31-45); and generating a manifest file that includes information describing how to assemble the chunks of data (col. 8, lines 31-45); however Kikinis does not explicitly teach the use of a message digest.

Rivest teaches the use of a message digest for verifying integrity of a chunk of data (See executive summary).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Kikinis regarding the use of chunk files for transmitting data with the teachings of Rivest regarding the use of a message digest because Kikinis mentions the possible use of encryption for security (col. 8, lines 31-45) and therefore a message digest would be on possible security option.

5. As to claim 2, Kikinis teaches transmitting chunk file sand a manifest file to a remote location (col. 8, lines 31-45).

6. As to claim 3, Kikinis teaches transmitting chunk file sand a manifest file electronically (col. 8, lines 31-45).

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7. As to claim 4, Kikinis teaches transmitting chunk file sand a manifest file on physical media (col. 8, lines 31-45).

8. As to claim 5, Kikinis teaches a method wherein chunk files are distributed across a set of said physical media, and wherein each of said physical media in the set contains the manifest file (col. 8, lines 31-45).

9. As to claim 6, Kikinis teaches a method wherein at least one fire is transmitted electronically and at least one of the files is transmitted on a physical medium (col. 8, lines 31-45).

10. As to claim 7, for reasons discussed in the rejection of claim 1 it would have been obvious to combine the teachings of Kikinis and Rivest regarding the use of message digests.

11. As to claim 8, for reasons discussed in the rejection of claim 1 it would have been obvious to combine the teachings of Kikinis and Rivest regarding the use of message digests.

12. As to claim 9, Kikinis teaches a method wherein the manifest file identifies each chunk of data in the programming content (col. 8, lines 31-45).

13. As to claim 10, Kikinis teaches a method wherein the manifest file includes a plural set of information each set of information describing how to assemble the chunks of data in a different predetermined manner (col. 8, lines 31-45).

14. As to claim 11, Kikinis teaches a method or use in receiving programming content, said method comprising: receiving plural chunk files and a manifest file, the chunk files including chunks of data that together make up the programming content, each chunk file, and the manifest file including information describing how to assemble the chunks of data; storing the chunks of

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data; and assembling and playing the chunks of data according to the information in the manifest file however Kikinis does not explicitly teach the use of a message digest.

Rivest teaches the use of a message digest for verifying integrity of a chunk of data (See executive summary).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Kikinis regarding the use of chunk files for transmitting data with the teachings of Rivest regarding the use of a message digest because Kikinis mentions the possible use of encryption for security (col. 8, lines 31-45) and therefore a message digest would be on possible security option.

15. As to claim 12, Kikinis teaches a method wherein chunks of data are stored such that each chunk remains separately identifiable (col. 8, lines 31-45).

16. As to claim 13, Kikinis teaches a method wherein the chunk files and the manifest file are received electronically (col. 8, lines 31-45).

17. As to claim 14, Kikinis teaches a method wherein the chunk files and the manifest files are received on physical media (col. 8, lines 31-45).

18. As to claim 15, Kikinis teaches method wherein the chunk files are distributed across a set of physical media and wherein each of media in the set contains the manifest file (col. 8, lines 31-45).

19. As to claim 16, Kikinis teaches a method wherein at least one of the files is received electronically and at least one of the files is received on a physical medium (col. 8, lines 31-45).

20. As to claim 17, for reasons discussed in the rejection of claim 1 it would have been obvious to combine the teachings of Kikinis and Rivest regarding the use of message digests .

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21. As to claim 18, for reasons discussed in the rejection of claim 1 it would have been obvious to combine the teachings of Kikinis and Rivest regarding the use of message digests.

22. As to claim 19, Kikinis teaches a method wherein the manifest file identifies each chunk of data in the programming content (col. 8, lines 31-45).


23. As to claim 20, Kikinis teaches a method wherein the manifest file includes a plural set of information each set of information describing how to assemble the chunks of data in a different predetermined manner (col. 8, lines 31-45).

Conclusion

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B Blair whose telephone number is 703-305-5267. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JACK B. HARVEY
SUPERVISORY PATENT EXAMINER

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Douglas Blair

DBB